

REMARKS

In response to the outstanding Office Action, Paper No./Mail Date 20070116, dated January 24, 2007, Applicant has carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

Claims 1 and 4 have been amended to claim subject matter Applicant is entitled to claim.

Claims 6-9 have been added to claim subject matter Applicant is entitled to claim.

Claims 1-5 remain in the application for consideration by the Examiner.

No new matter has been added.

Reconsideration of the application, as amended, is respectfully requested.

Applicant's process as set forth in amended Claim 1 is directed to a process for preparing an RPET polymer blend component. The process comprises the steps of:

- 1) providing a quantity of RPET particles having an average mean particle size from about 500 microns to about 5 microns;
- 2) adding a specialty additive to the RPET particles;
- 3) mixing the RPET particles and specialty additive, to prepare a homogeneous blend of RPET carrier and specialty additive; and
- 4) mixing the homogeneous blend with a resin to dilute the specialty additive to a desired consistency.

This inventive process allows for the highly concentrated addition of a specialty additive, such as for example a colorant, to a carrier polymer, to form a homogeneous mixture. The homogeneous mixture is then mixed with a resin to dilute the specialty additive in the homogeneous blend to a desired consistency.

The Examiner rejected Claims 1-5 as being anticipated under 35 USC 102(b) by U.S. Patent No. 5,075,057 to Hoedl for MANUFACTURE OF MOLDED COMPOSITE PRODUCTS FROM SCRAP PLASTICS.

Hoedl discloses the manufacture of molded composites from scrap plastics. Hoedl is directed to the blending of multiple materials containing both thermosetting and thermoplastic materials that are shredded, not to improve the material's performance, but to make sure the admixture of the blend is

relatively consistent. This admixture is then blended with a filler/reinforcement so as to be able to compression mold articles that are essentially isotropic. Hoedl does not teach or suggest RPET particles in the size range recited in Applicant's step 1. Nor does Hoedl teach mixing a specialty additive with RPET particles, as set forth in step 2. Thus, Hoedl cannot teach the preparation of a homogeneous blend of RPET particles and a specialty additive, as claimed in step 3, nor can Hoedl teach the mixing of the homogeneous mixture with a resin to dilute the specialty additive in the homogeneous blend to a desired consistency, as claimed in step 4.

By contrast, Applicant's invention is directed to adding a specialty material that is totally miscible with particles of RPET, to prepare a homogeneous mixture that can be further processed by, for example, blending with virgin or recycled PET at a specific dosage and thereby appropriately diluting it into the bulk material. The inventive process reduces the need for a manufacturer to add both a recycled material and a specialty material in separate steps.

Applicant's process prepares a material intended for use in other processes and for the further blending and processing of plastics. The process of Hoedl only concerns the preparation of a material that is thereafter immediately compression molded into a final form.

Applicant respectfully submits that Hoedl does not disclose the claimed process, as amended. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the 35 USC 102(b) rejection of Claims 1-5 based upon Hoedl.

The Examiner rejected Claims 1-5 as being anticipated under 35 USC 102(b) by U.S. Patent No. 5,565,158 to Sullivan for PROCESS FOR RECYCLING MULTICOMPONENT MIXED POLYMER WASTES.

Sullivan discloses a process for recycling mixed polymer wastes. The process contemplates the mixing of incompatible polymers to form an agglomerate, which is then spun into fibers. Sullivan does not disclose the use of particles of RPET having the size range set forth in the Claims for addition with a compatible specialty additive, in order to provide a concentrated, homogeneous material for further mixing with a resin to dilute the specialty additive to a desired concentration.

Applicant respectfully submits that Sullivan does not anticipate the claimed process, as amended. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the 35 USC 102(b) rejection of Claims 1-5 based upon Sullivan.

The Examiner also rejected Claims 1-5 as being obvious over Hoedl in view of Sullivan under 35 U.S.C. § 103(a). For the reasons stated above, Hoedl and Sullivan alone or in combination fail to disclose, teach, or remotely suggest a process for adding a specialty material that is totally miscible with particles of RPET, to prepare a homogeneous mixture that can be further processed by, for example, blending with virgin or recycled PET at a specific dosage and thereby appropriately diluting it into the bulk material. Accordingly, Claims 1-5 are not obvious in view of the combination of Hoedl and Sullivan and are patentable.

New independent Claim 6 contains at least the same limitations as independent Claim 1. As discussed above, none of the references cited by the Examiner taken alone or in combination disclose, teach, or remotely suggest a process for adding a specialty material that is totally miscible with particles of RPET, to prepare a homogeneous mixture that can be further processed by, for example, blending with virgin or recycled PET at a specific dosage and thereby appropriately diluting it into the bulk material. Accordingly, Claim 6 is also patentable over the references cited.

Because Claim 6 is deemed patentable, Claims 7-9 which depend, directly or indirectly, therefrom are also patentable.

It is submitted that the claims distinctly define the Applicant's invention and distinguish the same from prior art. Reconsideration of the application is respectfully requested. Accordingly a formal Notice of Allowance is solicited.

While the Applicant's attorney has made a sincere effort to properly define Applicant's invention and to distinguish the same from the prior art, should the Examiner deem that other language would be more appropriate, it is requested that a telephone interview be had with the Applicant's attorney in a sincere effort to expedite the prosecution of the application.